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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Marcus Labertew, et al.,

10 Plaintiffs,

11 v.

12 Fred R. Auzenne, et al.,

13 Defendants.
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No. CV-13-01785-PHX-DGC

ORDER

15 Plaintiffs filed a complaint in Maricopa County Superior Court against Fred
16 Auzenne and Loral Langemeier, alleging claims for defamation, fraud, and other wrongs.
17 Doc. 1-1. During trial, the parties entered into a stipulated judgment against Loral
18 Langemeier in the amount of \$1,500,000. Doc. 1-16 at 27-28. On July 29, 2013,
19 Plaintiffs filed applications for writs of garnishment against Langemeier's insurance
20 companies, Chartis Property Casualty Company and 21st Century North America
21 Insurance Company ("Garnishees"), seeking to recover on the \$1,500,000 stipulated
22 judgment. Doc. 1-16 at 31-35.

23 Garnishees removed the proceeding to this Court and the Court referred the
24 proceedings to Magistrate Judge Burns. Doc. 19. Judge Burns recommended that
25 Garnishees' proposed judgment be granted because Plaintiffs did not file timely
26 objections as required by the Arizona garnishment statute. Doc. 20 at 8; A.R.S. § 12-
27 1581(A). The Court entered an order accepting Judge Burns' report and recommendation
28 on April 7, 2014 (Doc. 26), and judgment was entered discharging Garnishees on the

1 same date (Doc. 27).

2 Garnishees have now filed a motion for costs and attorneys' fees pursuant to
3 A.R.S. § 12-1591(B). Doc. 28. The motion is fully briefed. Docs. 33, 36. Plaintiffs
4 filed a notice of appeal to the Ninth Circuit on May 3, 2014. Doc. 29.

5 **IT IS ORDERED** that Garnishees' motion for attorneys' fees (Doc. 28) is **denied**
6 without prejudice to re-filing upon resolution of Plaintiffs' appeal.

7 Dated this 9th day of July, 2014.

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12 David G. Campbell
13 United States District Judge
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